

PUBLIC NOTICE

Notice to Water Users
(Pursuant to Section 85-2-307, MCA)

The following application has been submitted to appropriate water in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION FOR BENEFICIAL WATER USE PERMIT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

OBJECTION DEADLINE: AUGUST 5, 2016. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 613 NE MAIN, SUITE E, LEWISTOWN, MT 59457-2020, PHONE: 406-538-7459, FAX: 406-538-7089.

IF ISSUED, THE RIGHT WILL BE SUBJECT TO PRIOR EXISTING WATER RIGHTS.

Application Number:	40C 30104097					
Owners:	JERALEE L MCCLEARY 1651 OKLAHOMA STAR TRL BILLINGS, MT 59105 5552					
	MATTHEW R MCCLEARY 1651 OKLAHOMA STAR TRL BILLINGS, MT 59105 5552					
Priority Date:	OCTOBER 19, 2015 at 02:33 P.M.					
Purpose (use):	IRRIGATION					
Maximum Flow Rate:	1.56 CFS					
Maximum Volume:	76.00 AC-FT					
Maximum Acres:	76.00					
Source Name:	MUSSELSHELL RIVER					
Source Type:	SURFACE WATER					
Point of Diversion and Means of Diversion:						
<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWSW	2	9N	30E	MUSSELSHELL
Period of Diversion:	APRIL 1 TO JUNE 30					Flow Rate: 1.56 CFS
Diversion Means:	PUMP					
Purpose (Use):	IRRIGATION			Purpose Clarification:	CENTER PIVOT IRRIGATION	
Irrigation Type:	SPRINKLER					
Climatic Area:	1 - HIGH					
Volume:	76.00 AC-FT					
Period of Use:	APRIL 1 to JUNE 30					
Place of Use:						
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u> <u>County</u>
1	76.00		SW	2	9N	30E MUSSELSHELL
Total:	76.00					

Remarks:

IMPORTANT INFORMATION

1. WATER MEASUREMENT RECORDS REQUIRED:
THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED WATER USE MEASURING DEVICE AT THE FOLLOWING POINT:
- A. IN THE MEANS OF CONVEYANCE (PIPELINE) BETWEEN THE PUMP AND THE CENTER PIVOT, IN ORDER TO MEASURE APPROPRIATIONS FROM THE MUSSELSHELL RIVER. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. THE DEVICE TYPE AND LOCATION MUST BE APPROVED BY THE DEPARMENT BEFORE WATER IS DIVERTED UNDER THIS PERMIT. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS MUST ACCOUNT SEPARATELY FOR ANY APPROPRIATIONS UNDER THIS PERMIT

FROM APPROPRIATIONS UNDER ANY OTHER WATER RIGHT (INCLUDING WATER ACQUIRED FROM DEADMANS BASIN).

RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE LISTED BELOW. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE AND VOLUME ACCURATELY.

SUBMIT RECORDS TO:
LEWISTOWN WATER RESOURCES OFFICE
613 NE MAIN ST, SUITE E
LEWISTOWN, MT
PHONE: 406-538-7459
FAX: 406-538-7012

IMPORTANT INFORMATION

2. IMPORTANT INFORMATION:
THE APPROPRIATOR IS SUBJECT TO ENFORCEMENT OF WATER RIGHTS ADMINISTERED BY THE FOURTEENTH JUDICIAL DISTRICT COURT. AT TIMES WHEN THE ENFORCEMENT PROJECT IS NOT OCCURRING, THE APPROPRIATOR MUST MEET CERTAIN MINIMUM STREAM FLOW CONDITIONS PRIOR TO DIVERTING WATER. ALTHOUGH THE FOLLOWING CONDITION SPECIFIES CERTAIN STREAM FLOW LEVELS, IT IS THE APPROPRIATORS RESPONSIBILITY TO ENSURE THAT ALL SENIOR WATER RIGHTS ARE BEING MET AT ALL TIMES. IT IS THE RESPONSIBILITY OF THE APPROPRIATOR TO CEASE DIVERSIONS WHEN ITS WATER RIGHT IS CALLED BY SENIOR WATER USERS.

THE APPROPRIATOR SHALL NOT DIVERT WATER UNLESS THE REFERENCE USGS STREAM GAGES ARE OPERATING AND REGISTERING STREAM FLOWS. THE APPROPRIATOR SHALL DIVERT WATER ONLY DURING THE PERIOD OF APPROPRIATION WHEN THE FLOW RATE AT USGS GAGE SITE 06127500 MUSSELSHELL RIVER NEAR MUSSELSHELL MT, INDICATES A FLOW OF AT LEAST 80 CUBIC FEET PER SECOND AND USGS GAGE SITE 06130500 MUSSELSHELL RIVER AT MOSBY MT, INDICATES A FLOW OF AT LEAST 70 CUBIC FEET PER SECOND. STREAM FLOWS AT THE REFERENCE USGS GAGES MUST BE CHECKED DAILY TO ENSURE CONDITIONS ARE APPROPRIATE FOR DIVERSIONS. THE CURRENT USGS STREAM GAGING WEBSITE IS: [HTTP://WATERDATA.USGS.GOV/MT/NWIS/CURRENT?TYPE=FLOW](http://waterdata.usgs.gov/mt/nwis/current?type=flow).

PUBLISHED IN: ROUNDUP RECORD TRIBUNE ON JUNE 22, 2016.